

Applicant : Randy Dean May
Serial No. : 10/766,327
Filed : January 29, 2004
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Attorney's Docket No.: 18327-012001

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. New claims and claim amendments are presented herein to obviate the current rejection. No new matter has been added.

Abstract

The abstract has been amended to delete the phrase "are disclosed".

35 USC §§ 112 / 101

The rejections under 35 USC §§ 112, and 101 with regard to claims 15 and 16 are respectfully traversed. Notwithstanding, in order to expedite the allowance of the current application, these claims have been canceled.

35 USC §§ 102 / 103

Claims 1, 4-6, 10-13, 15, and 16 stand rejected under 35 USC § 102(e) as allegedly being anticipated by McVey. Claims 2, 3, 8, 9, 14, and 17 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over McVey. These rejections are respectfully traversed.

Claim 1 has been amended to clarify that the light source emits light having a width sufficiently narrow to conduct single line spectroscopy (for support, see, inter alia, specification, page 4, second paragraph; page 5, first partial paragraph; page 10, second paragraph; and FIGs. 1-3). Similar features are found in each of claims 7, 12, 13, 17, 18, and 20.

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The term "peak" as used by McVey refers to what is generally described in the art as an entire "band." A band consists of thousands of individual vibration-rotation lines that all overlap for heavier molecules. With the subject matter recited in the claims, a single line is selected from the hundreds or thousands that exist within a band (e.g. the 1877.3 nm "line" of H₂O is just one line within a band ... peak is not an official spectroscopic term, but line and band are).

With hydrogen peroxide, lines are separated at low pressures, which requires a high-resolution spectrometer to resolve. As a result, McVey uses a broadband light source and filters that are unable to resolve individual vibration-rotation lines. Therefore, McVey fails to disclose a light source emitting light having a width sufficiently narrow to conduct single line spectroscopy. Moreover, McVey fails to describe or even suggest the use of the individual spectroscopic lines and additionally fails to specifically disclose the use of spectroscopic lines at or near the specific wavelengths recited in the claim (McVey describes a large band).

Accordingly, the claims should be allowable.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be

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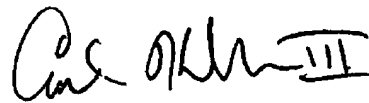
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construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Additionally, kindly change the Attorney Docket Number for this matter to: 18327-012001. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 1/12/06



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